

Amendments to House Bill No. 331
3rd Reading Copy

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Pat Murdo
April 6, 2009 (5:40pm)

1. Title, page 1, line 6.

Following: "~~50-50-102,~~"

Insert: "50-50-103,"

Strike: "50-50-305,"

Strike: "50-51-303,"

2. Title, page 1, line 7.

Strike: "50-52-302,"

Insert: "50-57-201, AND"

Strike: "AND 50-57-305,"

3. Page 1, line 11 through page 10, line 11.

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 50-50-103, MCA, is amended to read:

"50-50-103. Department authorized to adopt rules --
advisory council. (1) To protect public health, the department
may adopt rules relating to the operation of establishments
defined in 50-50-102, including coverage of food, personnel, food
equipment and utensils, sanitary facilities and controls,
construction and fixtures, and housekeeping.

(2) (a) The department and local health authorities may not
adopt rules prohibiting the sale of baked goods and preserves by
nonprofit organizations or by persons at farmer's markets.

(b) The department and local health authorities may not
require that foods sold pursuant to this subsection (2) be
prepared in certified or commercial kitchens.

(3) (a) The department shall use establish a food safety
task force or advisory council to assist in the development of
administrative rules or to review any proposed legislation
related to the provisions of this chapter.

(b) The task force or advisory council must be composed of
equal numbers of representatives of the food establishments and
representatives of state and local government.

(c) Administrative rules and any legislation to be proposed
by the department must be presented to the task force or advisory
council prior to its proposal or introduction. Legislation not
proposed by the department must also be reviewed by the task
force or advisory council and comments must be provided to the
legislature."

{ Internal References to 50-50-103: None. }

Insert: "**Section 2.** Section 50-50-205, MCA, is amended to read:

"50-50-205. License fee -- late fee -- preemption of local authority -- exception. (1) (a) ~~Except as provided in subsection (1)(b), for each license issued, the~~ The department shall collect for each license issued or renewed a fee of \$90 as provided in subsection (1)(b). ~~It shall deposit 90% of~~ Of the fees collected under this section, 90% must be deposited into the local board inspection fund account created in 50-2-108, 5% of the fees into the general fund, and 5% of the fees into the account provided for in 50-50-216.

~~(b) For each license issued to an establishment that does not have more than two employees working at any one time, the department shall collect a fee of \$60, which must be deposited in accordance with the percentages provided in subsection (1)(a).~~

(b) License fees are:

(i) \$60 annually for a carryout only or mobile establishment that has less than 12 square feet of preparation area;

(ii) \$90 annually for an establishment that has an occupancy space for 10 or fewer customers, an establishment that provides catering services but serves no meals onsite, or an establishment that has more than 12 square feet of preparation area and otherwise qualifies under subsection (1)(b)(i);

(iii) \$110 annually for an establishment that has an occupancy space for 11 to 60 customers; or

(iv) \$120 annually for an establishment that has an occupancy space for more than 60 customers.

(2) (a) In addition to the license fee required under subsection (1), the department shall collect a late fee of \$25 from any licensee who has failed to submit a license renewal fee prior to the expiration of the licensee's current license and who operates an establishment governed by this part in the next licensing year.

~~(b) The late fee is \$25 and must be deposited in the account provided for in 50-50-216.~~

(3) A county or other local government may not impose an inspection fee or charge in addition to the fee provided for in subsection (1) unless a violation of this chapter or rule persists and is not corrected after two visits to the establishment.

(4) The fees in subsections (1) and (2) may be paid by credit card and may be discounted for payment processing charges paid by the department to a third party. However, the discounting of license fees may not reduce the fees paid into the local board inspection fund account established in 50-2-108."

{ Internal References to 50-50-205:

30-16-301 x 30-16-301x } "

Insert: "Section 3. Section 50-51-204, MCA, is amended to read:

"50-51-204. License fee -- late fee. (1) (a) ~~There shall be paid to the department with each application for such~~ The department shall collect fees for each license required under 50-51-201 or for each annual license renewal of such license an

~~annual license fee of \$40 as provided in subsection (1)(b). The department shall deposit 85% of the fees collected under this section into the local board inspection fund account created in 50-2-108, 11.25% of the fees into the general fund, and 3.75% of the fees into the account provided for in 50-51-110.~~

(b) Initial and renewal license fees are:

(i) \$40 annually for an establishment with no more than 10 rooms available for rental;

(ii) \$80 annually for an establishment with between 11 and 25 rooms available for rental; and

(iii) \$160 annually for an establishment with more than 25 rooms available for rental.

(2) (a) In addition to the license renewal fee required under subsection (1), the department shall collect a late fee of \$25 from any licensee who has failed to submit a license renewal fee prior to the expiration of his the licensee's current license and who operates an establishment governed by this part in the next licensing year.

(b) The late fee is \$25 and must be deposited in the account provided for in 50-51-110."

{ Internal References to 50-51-204: None. }"

Insert: "Section 4. Section 50-52-202, MCA, is amended to read:

"50-52-202. License fee -- late fee. (1) (a) Each application shall for a new license required under 50-52-103 or a license renewal must be accompanied by a fee of \$40 as provided in subsection (1)(b).

(b) License fees are:

(i) \$40 annually for a campground or trailer court with no more than 10 spaces available for rental;

(ii) \$60 annually for a campground or trailer court with between 11 and 25 spaces available for rental; and

(iii) \$120 annually for a campground or trailer court with more than 25 spaces available for rental.

(2) The Of the fees collected under subsection (1), the department shall deposit 85% of the fees collected under subsection (1) into the local board inspection fund account created in 50-2-108, 11.25% of the fees into the general fund, and 3.75% of the fees collected under subsection (1) into the account provided for in 50-52-210.

(3) (a) In addition to the license renewal fee required under subsection (1), the department shall collect a late fee of \$25 from any licensee who has failed to submit a license renewal fee prior to the expiration of his the licensee's current license and who operates an establishment governed by this part in the next licensing year.

(b) The late fee is \$25 and must be deposited in the account provided for in 50-52-210."

{ Internal References to 50-52-202: None. }"

Insert: "Section 5. Section 50-57-201, MCA, is amended to read:

"50-57-201. License required. (1) A person operating an

establishment under this chapter shall procure an annual license from the department.

(2) Except as provided in subsection (3) (a), ~~a separate license is required for each establishment, but if only one license is required if~~ more than one type of establishment is operated on the same premises and under the same management, ~~only one license is required.~~

(3) (a) A person operating an establishment and a retail food establishment is required to obtain a separate license for the establishment under this chapter and for the retail food establishment under Title 50, chapter 50.

(b) A separate license is required for each establishment that is not on the same premises and under the same management."

{ Internal References to 50-57-201:

30-16-301* x 30-16-301* x 50-57-205 a 50-57-210 x }"

Insert: "Section 6. Section 50-57-205, MCA, is amended to read:

"50-57-205. License fee -- late renewal fee -- allocation of fees. (1) For each annual license issued or renewed, the department shall collect a fee of ~~\$90. For an operation containing an establishment and a retail food establishment, as provided in 50-57-201(3), the department shall collect one fee of \$90 for each license as provided in subsection (2).~~

(2) (a) Except as provided in subsection (2) (b), a license fee is \$90 annually for an establishment that occupies less than 5,000 square feet of retail space and \$160 annually for an establishment that occupies 5,000 or more square feet of retail space.

(b) The fees for separate types of establishments on the same premises and under the same management are the total of the fees required for each establishment, whether one license is issued as provided in 50-57-201(2) or separate licenses are issued as provided in 50-57-201(3).

~~(2)~~ (3) A person operating an establishment who fails to renew a license by the expiration date provided in 50-57-206 and who operates the establishment in the license year for which an annual renewal fee was not paid shall, upon renewal, pay to the department a late renewal fee of \$25 in addition to the annual renewal fee required by subsection ~~(1)~~ (2). Payment of the late renewal fee does not relieve the operator of responsibility for operating without a license.

~~(3)~~ (4) The department shall deposit the annual fees collected under subsection ~~(1)~~ (2) as follows:

(a) 90% into the state special revenue fund to the credit of the local board inspection fund account, created in 50-2-108;

(b) 5% into the general fund; and

(c) 5% into the account created in 50-57-213 in the state special revenue fund.

~~(4)~~ (5) The department shall deposit all of the fees collected under subsection ~~(2)~~ (3) into the account created by 50-57-213 in the state special revenue fund."

{ Internal References to 50-57-205:

30-16-301* x 30-16-301* x 50-57-207 x }"